



Enforcing the ADA:

A Status Report from the Department of Justice

July - September 2004

This Status Report covers the ADA activities of the Department of Justice during the third quarter (July - September) of 2004. This report, previous status reports, and a wide range of other ADA information are available through the Department's ADA Home Page on the World Wide Web (see page 13). The symbol (**) indicates that the document is available on the ADA Home Page.

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The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for people with disabilities. The Department of Justice enforces the ADA's requirements in three areas --

Title I: Employment practices by units of State and local government

Title II: Programs, services, and activities of State and local government

Title III: Public accommodations and commercial facilities

I. Enforcement

Through lawsuits and both formal and informal settlement agreements, the Department has achieved greater access for individuals with disabilities in thousands of cases. Under general rules governing lawsuits brought by the Federal Government, the Department of Justice may not file a lawsuit unless it has first unsuccessfully attempted to settle the dispute through negotiations.

A. Litigation

The Department may file lawsuits in Federal court to enforce the ADA and may obtain court orders including compensatory damages and back pay to remedy discrimination. Under title III the Department may also obtain civil penalties of up to \$55,000 for the first violation and \$110,000 for any subsequent violation.

1. Decisions

First Circuit Rules Comparable Viewing Angles Are Required in Stadium-Style Theaters -- The U.S. Court of Appeals for the

First Circuit ruled in U.S. v. Hoyts Cinemas Corp. and National Amusements, Inc., that the ADA requirement for a comparable line of sight for accessible seating in newly constructed movie theaters demands a consideration of the quality of viewing angles and not just whether the view is obstructed. The court, however, also ruled that the provision calling for accessible seating to be an "integral" part of the fixed seating plan did not necessarily require accessible seating to be in the stadium section of the theater. This suit was filed by the U.S. Attorney's Office for the District of Massachusetts, alleging that at most of the newly constructed stadium-style theaters in the Hoyts and National Amusements chains the wheelchair seating spaces were located on the sloped floor in the front few rows of the theater immediately in front of the screen, while most of the other patrons sat in the stadium seats on tiered risers that give them an unobstructed view of the screen with far better sight lines. The First Circuit rejected the district court's ruling that any relief granted should be limited only to theaters built after the lawsuit was filed and sent the case back to the lower court for further consideration.

District Court Allows Suit Against McDonald's Barriers to Continue -- The U.S. District Court for the Western District of Tennessee denied the defendant's motion to dismiss U.S. v. Century Management, LLC, a suit brought by the local U.S. Attorney's Office alleging the failure to remove barriers at over 50 McDonald's restaurants in the greater Memphis area. The restaurants are managed by Century Management under franchises owned by a single individual and many of the buildings are owned by McDonald's Corporation. The court ruled that the government's suit was filed on time because no statute of limitation applies to the United States in this case. It also held that the owner of the 50 franchises could be held liable as an individual because he is the operator of the restaurants and is, therefore, operating places of public accommodation.

Sovereign Immunity Decisions -- The U.S. Courts of Appeals decided the following cases in which the Department participated to defend the constitutionality of private suits against States under title II.

Badillo-Santiago v. Andre-Garcia (1st Circuit) -- The court upheld private suits against the Commonwealth of Puerto Rico in cases involving access to judicial services. The suit alleged a failure to provide effective communication for a hard of hearing individual at a civil trial.

Miller v. King; Goodman v. Ray (11th Circuit) -- The court held that private suits against States alleging title II violations in prisons are unconstitutional. Both of these lawsuits alleged that Georgia unreasonably segregated, and failed to accommodate, the plaintiffs who are prisoners with paraplegia.

McCarthy v. Hale (5th Circuit) -- The court upheld private ADA suits against Texas State officials in their official capacity where plaintiffs do not seek damages. The suit alleged that State officials failed to provide community placements for individuals with mental retardation in violation of title II.

Radaszewski v. Garner (7th Circuit) -- The court held that Illinois State officials may be sued in their official capacity in private ADA suits that do not seek damages. The lawsuit alleged that the State's failure to pay for nursing care for a 21 year-old at home violated title II.

2. New Lawsuits

The Department initiated or intervened in the following lawsuits.

Smith v. City of Philadelphia -- The Department intervened in the U.S. District Court for the Eastern District of Pennsylvania in Smith v. City of Philadelphia, a lawsuit brought by an individual with HIV who claims that Philadelphia violated the ADA by discriminating against him in the provision of emergency medical services. The Department's complaint alleges that after the plaintiff began experiencing severe chest pain his partner called 9-1-1. Emergency medical technicians arrived on the scene and, after being informed of plaintiff's HIV status, allegedly refused to provide the prehospital care that would have been reasonable and appropriate under the circumstances. Plaintiff alleges that they refused to touch him to assess his condition and refused to give him physical assistance in getting him out of his home and into the ambulance. He alleges that on the way to the hospital he was verbally harassed and insulted because of his HIV status. The Department's complaint asks the court for an order to prevent the fire department from discriminating against individuals with HIV and for an award of compensatory damages for the complainant.

Defending the Constitutionality of Title II -- Since the Supreme Court's May 2004 decision in Tennessee v. Lane, the Department has intervened in three additional lawsuits to defend the constitutionality of title II of the ADA. In Tennessee v. Lane the Court upheld the constitutionality of title II in cases involving the fundamental right of access to courts. The Department has intervened in the following cases to support title II's constitutionality in other areas as indicated.

Courts of Appeals

Cochran v. New Jersey Department of Corrections (3rd Circuit)(prisons)

Guttman v. Khalsa
(10th Circuit)(medical licensing in New Mexico)

District Court

Everybody Counts, Inc. v. Northwestern Indiana Regional Planning Commission
(N.D. Indiana)(public transportation)

having a disability and allow the Department to file an amicus brief at that time.

Birdsong v. Perdue -- The Department requested permission from the U.S. District Court for the Northern District of Georgia to file an amicus brief at an appropriate time in a suit claiming that Georgia is violating the ADA by not providing community-based services for certain individuals with physical disabilities who either reside in nursing homes or who are at risk of institutionalization. In Olmstead v. L.C., the Supreme Court held that public entities are required to provide community-based services for persons with disabilities who would otherwise be entitled to institutional services when the entity's treatment professionals reasonably determine that such placement is appropriate; the affected persons do not oppose such treatment; and the placement can be reasonably accommodated, taking into account the resources available to the entity and the needs of others who are receiving disability services from the entity.

3. Amicus Briefs

The Department files briefs in selected ADA cases in which it is not a party in order to guide courts in interpreting the ADA.

Cusworth v. County of Herkimer -- The Department notified the U.S. District Court for the Northern District of New York of its desire to file an amicus brief when appropriate in a lawsuit alleging that a New York county public health department violated the ADA by failing to hire a former, longtime managerial employee who has multiple sclerosis for the position of director of public health. The Department stated that if the issue of whether the plaintiff is covered by the ADA's definition of disability is raised, the court should consider the possibility that plaintiff may be covered as an individual "regarded as"

4. Consent Decrees

Some litigation is resolved at the time the suit is filed or afterwards by means of a negotiated consent decree. Consent decrees are monitored and enforced by the Federal court in which they are entered.

Title III

U.S. v. New Puck, LP -- The U.S. Attorney's Office for the Southern District of New York reached an agreement resolving a complaint against the Puck Building, a prominent landmark building in New York City's SoHo district where weddings and other public events are held. The consent decree requires the installation of a new accessible entrance because the main entrance cannot be made accessible. A platform lift will be installed to

provide access from the sidewalk to a new entrance located where one of the floor-to-ceiling windows on the building's main lobby floor will be removed. In addition, the owner will remove various other barriers to access in the building's public areas and will pay a \$12,500 civil penalty. The complainant, a person who uses a cane who was injured while trying to use the main entrance stairs, received monetary damages in a separate agreement.

U.S v. Ali-Ann, Inc. -- The Department settled its lawsuit alleging a failure to remove architectural barriers at Kaminski's Restaurant in Cherry Hill, New Jersey. Under the consent decree, the defendants will pay \$7,000 in compensatory damages to the complainant and \$3,000 in civil penalties to the United States. Because the defendants sold the restaurant after the case was filed, the Department also entered a settlement agreement with the purchasers, Brace Road Enterprise, Inc., and MGRE, Inc., in which the purchasers agreed to renovate the restaurant's entrance, restrooms, and parking lot so that they are accessible to individuals who use wheelchairs.

B. Formal Settlement Agreements

The Department sometimes resolves cases without filing a lawsuit by means of formal written settlement agreements.

Title II

Hayward Area Recreation District, California -- The U.S. Attorney's Office for the Northern District of California entered into an agreement with the Hayward Area Recreation and Park District resolving a complaint alleging that the toilet rooms at the San Lorenzo Community Center were not accessible to individuals with mobility impairments. Under the agreement, the park district will completely renovate both the men's and women's restrooms to make them

accessible by reconfiguring toilet stalls, adding grab bars, moving urinals and lavatories, and adding appropriate signage.

New York City Department of Correction, New York, New York -- The U.S. Attorney's Office for the Southern District of New York reached an agreement resolving a complaint by an inmate incarcerated on Rikers Island alleging that the New York City Department of Correction had no ADA coordinator and provided no means to complain about ADA violations. The Department of Correction operates all correctional facilities in New York City and averages a daily population of between 14,000 and 19,000 inmates. It agreed to hire a full-time disability rights coordinator for inmates, establish a formal grievance procedure for ADA complaints, and provide information to inmates about their right to request reasonable modifications.

Delaware Department of Transportation, Dover, Delaware -- The U.S. Attorney's Office for the District of Delaware entered an agreement with the State of Delaware resolving a complaint alleging that the State failed to install curb ramps at numerous intersections during road repaving projects completed between 1992 and 1997. The agreement requires the Delaware Department of Transportation to install approximately 1,500 curb ramps at intersections on State-maintained roads.

Washington Parish, Louisiana, 9-1-1 Agreements -- The U.S. Attorney's Office for the Eastern District of Louisiana entered agreements with the following four entities requiring them to provide direct access to emergency 9-1-1 services for TTY users.

Washington Parish Sheriff's Office
Franklinton Police Department
Bogalusa Police Department
Washington Parish Communications
District

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****Project Civic Access Reaches 100 Agreement Milestone** -- At a Department of Justice ceremony commemorating the 14th anniversary of the signing of the ADA, Assistant Attorney General R. Alexander Acosta announced the signing of 24 new settlement agreements under Project Civic Access, a wide-ranging initiative to ensure that State facilities, counties, cities, towns, and villages comply with the ADA. These 24 agreements brought to 100 the number of agreements reached since the project was begun in 1999. Attending the August 5, 2004, event were city and county government representatives, community advocates, and residents with disabilities from a number of communities that have entered agreements under Project Civic Access.

The goal of Project Civic Access is to ensure that people with disabilities have an equal opportunity to participate in civic life. Departmental investigators, attorneys, and architects survey state and local government facilities and programs across the country for the purpose of identifying modifications needed to comply with ADA requirements. Depending on the circumstances in each community, the agreements address specific areas where access can be improved.

At the ceremony Assistant Attorney General Acosta specifically recognized Flagstaff, Arizona, and Santa Fe, New Mexico, for actions they have taken in compliance with agreements signed earlier. Representatives from both cities and their disability communities discussed their experiences and the benefits of greater accessibility. At the ceremony, the Department signed new agreements with --

Brunswick, Maine; Davenport, Iowa; Juneau, Alaska; Taos County, New Mexico; and Green Bay, Wisconsin;

and announced that it had also reached agreements with --

Lakewood, Washington	Highland County, Ohio
Deschutes County, Oregon	Jeffersonville, Indiana
Deschutes County 9-1-1 Control District,	Burton, Michigan
Oregon	Frederick, Maryland
San Rafael, California	Chatham County, Georgia
Fountain Hills, Arizona	Citrus County, Florida
Vail, Colorado	Coral Gables, Florida
Vail Recreation District, Colorado	Cape May County, New Jersey and
Hayden, Colorado	Monroe County Conservation District,
Minnehaha County, South Dakota	Pennsylvania.
Butler County, Missouri	

Since the ceremony three additional agreements have been signed with --

Gallup, New Mexico; Bend, Oregon; and Suffolk, Virginia; bringing the total number to 103.

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These agreements are in response to a complaint by a deaf individual who was unable to get through to her 9-1-1 emergency service from her home TTY. Each entity agreed to procure new equipment, including backup TTY's, to train all call takers in the use of TTY's, to institute new operating procedures designed to avoid the lack of response experienced by the complainant, and to reach out to people who are deaf or hard of hearing to inform them of these improvements. Each entity agreed to pay \$1,500 to the complainant for a total of \$6,000 in damages.

Title III

Terrace Motel, Dinosaur, Colorado -- The Department reached an agreement with the 12-room Terrace Motel, resolving a service animal complaint. The owner agreed to make modifications in the motel's policies to ensure that individuals with disabilities who use service animals have an equal opportunity to use the accommodations of the resort. The new policy provides that persons with disabilities may be accompanied by service animals and may not be required to show documents certifying their service animal's status or to equip their animal with a special sign or harness. The owner also agreed to post the new policy in the motel lobby, train staff on carrying out the policy, and pay the complainant \$750 in damages.

Cayman Suites Motel, Ocean City, Maryland -- The Department reached an agreement with the Cayman Suites Motel, a 57-room resort located on Maryland's Eastern Shore, resolving a complaint alleging a lack of auxiliary aids. The owner agreed to increase from four to eight the number of rooms accessible to people who are deaf or hard of hearing. The motel will provide four additional TTY's and accessible outlets to facilitate their use, two additional closed captioned decoders, visual notification devices for door knockers, and visual notification devices designed for deaf persons for telephones. The owner also refunded \$100 of the complainant's hotel charges in compensation for the inconvenience he experienced at the hotel.

Rosenblad v. Portable Practical Educational Preparation, Inc., Tuscon, Arizona -- The U.S. Attorney's Office for the District of Arizona entered into a settlement agreement with Portable Practical Educational Preparation, Inc., resolving a complaint alleging that PPEP failed to provide a sign language interpreter for a 10-hour substance abuse education class. The agreement requires PPEP to implement a written ADA policy to provide interpreters and other effective communication, train its employees, and reimburse the nonprofit organization for providing the interpreter services that made it possible for the complainant to take the course.

****Motel 6 Will Provide Access Nationwide** -- The Department reached an agreement with Motel 6 Operating L.P. resolving violations of the ADA's new construction, alterations and barrier removal requirements identified during the Department's nationwide compliance review of the Motel 6 chain. Under the agreement, Motel 6 will bring its more than 600 corporate owned or operated motels into compliance with the ADA by December 31, 2006. In addition, the company will hire a full-time ADA compliance officer, provide ADA training to all motel managers, and hire an independent consultant to assess compliance with the agreement. In the event that Motel 6 fails to achieve substantial compliance with the agreement, it will pay \$110,000 in civil penalties to the United States.

C. Other Settlements

The Department resolves numerous cases without litigation or a formal settlement agreement. In some instances, the public accommodation, commercial facility, or State or local government promptly agrees to take the necessary actions to achieve compliance. In others, extensive negotiations are required. Following are some examples of what has been accomplished through informal settlements.

Title III

An individual who uses a wheelchair complained that a Kansas outlet of a national retail chain did not provide enough accessible parking spaces, that the parallel spaces designated as van-accessible spaces posed a safety hazard, and that some access aisles were obstructed by cart carrels. The company removed the cart carrels, repositioned and restriped the access aisles, and amended its snow removal policy to ensure prompt removal of snow and ice from accessible parking spaces.

An individual who uses a wheelchair complained that the entrance to a Nebraska law firm was not accessible because of a step up at the entrance. A ramp was installed to make the entrance accessible.

The U.S. Attorneys obtained informal settlements in the following cases --

District of Minnesota -- A small Minnesota town agreed to reconstruct existing inaccessible curb ramps and install new curb ramps as appropriate throughout the municipality.

An individual who uses a wheelchair complained that a restaurant in Minnesota did not have enough accessible parking spaces, that there were no van-accessible parking

spaces, and that the accessible parking spaces were not on the shortest route to the entrance. The owners agreed to relocate the accessible parking close to the restaurant entrance, add additional accessible parking spaces, including a van-accessible space, and install appropriate signage and a new curb ramp to serve the new parking spaces.

Southern District of New York -- An individual who is blind complained that a security guard at an international media and cable company refused to allow her entry to its offices with her service animal when she attempted to pay her bill at a customer service center. The company agreed to put its service animal policy in writing, review the policy with its employees, and post a sign advising that service animals are permitted in the facility.

An individual who has difficulty walking complained that a suburban New York outlet of a national retailer did not have enough accessible parking spaces and that the striped markings designating the spaces were barely visible. The company added four accessible spaces, including two van-accessible spaces, installed appropriate signs, and repainted existing accessible spaces.

Southern District of Mississippi -- An individual who uses a scooter complained that a national restaurant chain failed to remove barriers. The restaurant created an accessible entrance and provided accessible parking spaces and an access aisle. In addition, the restaurant made accessible tables available in each section of the dining area and provided accessible toilet rooms.

An individual with a mobility impairment complained that a Mississippi bank did not provide accessible parking. The bank relocated and reconfigured the accessible parking space, eliminated the slope in the access aisle, and provided appropriate signage.

District of Vermont -- An individual who uses a wheelchair complained that a Vermont town holds town meetings and other events in an inaccessible town hall. The town agreed to relocate all town hall functions to an accessible location until it makes the hall accessible.

II. Mediation

Under a contract with the Department of Justice, The Key Bridge Foundation receives referrals of complaints under titles II and III for mediation by professional mediators who have been trained in the legal requirements of the ADA. An increasing number of people with disabilities and disability rights organizations are specifically requesting the Department to refer their complaints to mediation. More than 400 professional mediators are available nationwide to mediate ADA cases. Over 75 percent of the cases in which mediation has been completed have been successfully resolved. Following are recent examples of results reached through mediation.

- In New Hampshire, an individual with food allergies complained that a dinner train tour refused to allow her to bring her own food. The tour operator affirmed its existing policy of allowing customers to bring medically necessary food on the train, developed a new policy of making alternate dietary selections available to all customers upon 24 hours notice, and advertised the new policy in its print advertisements, brochures, and website.
- In Washington State, an individual with a disability complained that an RV campground refused access to her because she uses a service animal. The park managers agreed to admit guests who use service animals and apologized to the complainant for the treatment she received by the staff. They agreed to train staff on the ADA, using instructors from a local center for independent living, donate \$75 to the center, and work with the center to provide ADA information to other area businesses.
- In Oregon, a wheelchair user complained that checkout aisles of a supermarket were inaccessible and that the cash register designated as accessible did not always have a cashier present. The complainant also alleged that food stamp card readers could not be used by wheelchair users without exposing their password to the cashier and other customers. The supermarket widened one cash register aisle to provide access and also changed the height of the cash register counter to make it easily reachable for wheelchair users. To make the card reader accessible for both wheelchair users and standing persons, the supermarket installed a temporary portable reader at the accessible register and placed a shield over the reader for password protection. In addition, the supermarket adopted a policy of keeping the accessible register open at all times.

- A disability advocacy group in Missouri alleged that a fast food restaurant did not have a van-accessible parking space and that the ramp leading to the restaurant entrance did not have handrails. The property owners created a van-accessible space with appropriate signage and added handrails to the entrance ramp.
- A New Jersey individual complained that the accessible ramp leading to the entrance of a supermarket was blocked by a chain intended to prevent customers from taking shopping carts into the parking lot. The supermarket agreed to station an employee to remove and replace the chain during store hours. The store also agreed to keep the entrances and ramps free from any barriers, such as carts and pallets, and to install signage indicating the location of accessible entrance ramps.
- In California, a couple complained that the tub and toilet in their motel room did not have grab bars. The hotel installed a grab bar in the tub, replaced nonskid tape with mats in all tubs, and installed additional grab bars at accessible toilets. In addition, the hotel provided \$670 in compensation to the complainants.
- A wheelchair user complained about a wide range of barriers to accessibility in her Georgia city. The city agreed to major renovations, including building a new fully accessible police headquarters. The city installed one standard and one-van accessible parking space in the parking lot of a public park and built a ramp from the lot to the park entrance, installed a ramp nearby to provide access to an area reserved for festivals, and built a wheelchair accessible sidewalk between

Mediation

the park and the downtown area. At the city hall building, the city painted new crosswalks in front of the entrance with curb ramps at either end, installed automatic door openers at the front entrance, and provided accessible restrooms inside the building. In the downtown area, the city replaced all sidewalks, installed curb cuts at every intersection, and created four van-accessible spaces. Finally, the city acquired assistive listening equipment for use during public hearings and meetings.

- In Indiana, a wheelchair user complained that a hotel parking lot did not have clearly marked accessible parking spaces and that the room provided was not fully accessible. The hotel agreed to renovate four of its rooms to be fully accessible and to restripe the parking lot to provide accessible parking. In addition, the hotel agreed to compensate the complainant \$300 and offered one free night's stay at the hotel at the complainant's request.
- In Missouri, an individual who is deaf alleged that an attorney failed to provide an interpreter during several consultations. The attorney developed a written policy for providing auxiliary aids to ensure effective communication and trained the office staff on its ADA obligations. In addition, the attorney contacted the local bar association and proposed a seminar on working with clients who are deaf to be presented by two members of a deaf advocacy group in Missouri.

III. Certification of State and Local Accessibility Requirements

The ADA requires that newly constructed or altered places of public accommodation and commercial facilities comply with title III of the ADA, including the ADA Standards for Accessible Design (ADA Standards). The Justice Department is authorized to certify that State and local accessibility requirements, which are often established through building codes, meet or exceed the ADA's accessibility requirements. In any lawsuit that might be brought, an entity that complies with a certified State or local code can offer that compliance as rebuttable evidence of compliance with the ADA.

In implementing its certification authority, the Department works closely with State and local officials, providing, as needed, detailed technical assistance to facilitate efforts to bring those accessibility requirements into accord with the ADA Standards. In addition, the Department responds to requests from private entities for review of the accessibility provisions of model codes and standards, and provides informal guidance regarding the extent to which they are consistent with the minimum accessibility requirements of the ADA.

The States of Texas, Maine, Florida and Maryland currently have accessibility codes certified by the Department of Justice. The State of Washington recently implemented new accessibility requirements that replace the accessibility code certified previously by the Department. Requests from the States of California, Indiana, New Jersey, North Carolina and Utah for certification are pending before the Department. Recent certification-related activity includes --

California -- The Department provided technical assistance to California officials regarding the State's request for certification of the accessibility requirements established in Title 24, Part 2, Volume 1, Chapter 11B of the California Building Code. The Department's response compared the provisions of Chapter 11B to the new construction and alterations requirements of title III of the ADA and identified areas of equivalency, as well as areas where additional information or modifications may be needed before a preliminary determination of ADA equivalency can be issued.

**** Department Begins Process to Revise ADA Standards for Accessible Design --** On September 30, 2004, the Justice Department published an Advance Notice of Proposed Rulemaking (ANPRM) to begin the process of revising the Department's regulations implementing the ADA. The Department plans to revise its ADA Standards for Accessible Design to adopt requirements consistent with the revised ADA Accessibility Guidelines published by the Architectural and Transportation Barriers Compliance Board (Access Board) on July 23, 2004. The revised guidelines, which would apply to the design, construction, and alteration of any private or public facility subject to the ADA, are the result of ten years of collaborative efforts between the Federal Government, disability groups, the design and construction industry, State and local government entities, and building code organizations.

The ADA requires the Department of Justice to publish regulations that include accessibility standards that are consistent with the guidelines published by the Access Board. The Access Board's revised guidelines are now effective as rulemaking guidelines for the Department of Justice and the Department of Transportation, but they have no legal effect on the public until these Departments issue final rules adopting them as enforceable ADA Standards.

The ANPRM is only the first of three steps in the regulatory process; it will be followed by a notice of proposed rulemaking and then a final rule. In this first step, the Department is seeking public comment on several issues relating to the potential application of the revised guidelines. In addition, the Department wants to obtain background information in order to analyze the economic costs and benefits of the new rules.

Members of the public may submit comments until January 28, 2005. Copies of the ANPRM are available on the ADA Home Page (www.ada.gov) and on www.regulations.gov. Comments may be submitted electronically to www.adaanprm.org or by mail to P.O. Box 1032, Merrifield, VA 22116-1032. All comments will be available to the public online at www.adaanprm.org and, by appointment, at the offices of the Civil Rights Division's Disability Rights Section. Copies of the document are also available in large print, on audiotape, or on computer disk by calling the ADA Information Line at (800) 514-0301 (voice) and (800) 514-0383 (TTY).

IV. Technical Assistance

The ADA requires the Department of Justice to provide technical assistance to businesses, State and local governments, and individuals with rights or responsibilities under the law. The Department provides education and technical assistance through a variety of means to encourage voluntary compliance. Our activities include providing direct technical assistance and guidance to the public through our ADA Information Line, ADA Website, and ADA Fax on Demand, developing and disseminating technical assistance materials to the public, undertaking outreach initiatives, and coordinating ADA technical assistance government wide.

ADA Website

The Department's ADA Website on the Internet's World Wide Web provides direct access at anytime to ADA information offered by the Department and by other Federal agencies.

The ADA Home Page (www.ada.gov) is the entry point to the website. It provides direct access to --

- ◆ ADA regulations and technical assistance materials in English and Spanish (which may be viewed online or downloaded for later use),
- ◆ electronic versions of the ADA Standards for Accessible Design, including illustrations and hyperlinked cross-references,

- ◆ Freedom of Information Act (FOIA) ADA materials, including technical assistance letters,
- ◆ the ADA Business Connection, including ADA Business Briefs in English and Spanish,
- ◆ an online ordering form for the ADA Technical Assistance CD-ROM and links to the Department's press releases, and
- ◆ links to Internet web pages of other Federal agencies and Federal grantees that contain ADA information.

The ADA Home Page also provides information about --

- ◆ the toll-free ADA Information Line,
- ◆ the Department's ADA enforcement activities,
- ◆ the ADA technical assistance program,
- ◆ certification of State and local building codes,
- ◆ proposed changes in ADA regulations and requirements, and
- ◆ the ADA mediation program.

ADA Information Line

The Department of Justice operates a toll-free ADA Information Line to provide information and publications to the public about the requirements of the ADA. Automated service, which allows callers to order publications by mail or fax, is available 24 hours a day, seven days a week. ADA specialists are available on Monday, Tuesday, Wednesday, and Friday from 9:30 a.m. until 5:30 p.m. and on Thursday from 12:30 p.m. until 5:30 p.m. (Eastern Time). Foreign language service is also available.

To obtain general ADA information, get answers to technical questions, order free ADA materials, or ask about filing a complaint, please call:

800-514-0301 (voice)
800-514-0383 (TTY)

ADA Fax On Demand

The ADA Information Line Fax Delivery Service allows the public to obtain free ADA information by fax 24 hours a day, seven days a week. By calling the number above and following the directions, callers can select from among 39 different ADA technical assistance publications and receive the information, usually within minutes, directly on their fax machines or computer fax/modems. A list of available documents and their code numbers may also be ordered through the ADA Information Line.

Publications and Documents

Copies of the Department's ADA regulations and publications, including the Technical Assistance Manuals for titles II and III, can be obtained by calling the ADA Information Line, visiting the ADA Home Page, or writing to the address listed below. All materials are available in standard print as well as large print, Braille, audiotape, or computer disk for persons with disabilities.

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYAV
Washington, D.C. 20530

Some publications are available in foreign languages. For further information please call the ADA Information Line.

Copies of the legal documents and settlement agreements mentioned in this publication can be obtained by writing to --

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
FOIA Branch, NALC Room 311
Washington, D.C. 20530

Fax: 202-514-6195

**** New Disability Newsletter Goes Online** -- The Civil Rights Division began publishing *Disability Rights Online News*, an online monthly newsletter about the Civil Rights Division's activities in the area of disability rights, including activities under the Fair Housing Act, the Civil Rights of Institutionalized Persons Act, and the Help America Vote Act, as well as the ADA. The newsletter is available through the ADA Home Page (www.ada.gov).

**** New Publication Highlights Common Access Problems --** A new technical assistance publication, *Cities and Counties: First Steps Toward Solving Common ADA Problems*, describes accessibility problems frequently encountered in Project Civic Access investigations and explains how to solve them. A wide range of topics is covered, including parking, signage, entrances and doors, toilet rooms, courtrooms, websites, and effective communication. This publication is available through the ADA Home Page (www.ada.gov).

Currently, the FOI/PA Branch maintains approximately 10,000 pages of ADA material. The records are available at a cost of \$0.10 per page (first 100 pages free). Please make your requests as specific as possible in order to minimize your costs.

The FOI/PA Branch also provides access to ADA materials on the World Wide Web (www.usdoj.gov). A link to search or visit this website is provided from the ADA Home Page.

V. Other Sources of ADA Information

The **Equal Employment Opportunity Commission** offers technical assistance to the public concerning the employment provisions of title I of the ADA.

ADA publications
800-669-3362 (voice)
800-800-3302 (TTY)

ADA questions
800-669-4000 (voice)
800-669-6820 (TTY)

www.eeoc.gov

The **Federal Communications Commission** offers technical assistance to the public concerning the communication provisions of title IV of the ADA.

ADA publications and questions
888-225-5322 (voice)
888-835-5322 (TTY)
www.fcc.gov/cgb/dro

U.S. Department of Transportation, Federal Transit Administration

ADA Assistance Line for regulations and complaints

888-446-4511 (voice/relay)

www.fta.dot.gov/transit_data_info/ada

The **U.S. Architectural and Transportation Barriers Compliance Board, or Access Board**, offers technical assistance to the public on the ADA Accessibility Guidelines.

ADA publications and questions
800-872-2253 (voice)
800-993-2822 (TTY)

www.access-board.gov

The **Disability and Business Technical Assistance Centers** are funded by the U.S. Department of Education through the National Institute on Disability and Rehabilitation Research (NIDRR) in ten regions of the country to provide resources and technical assistance on the ADA.

ADA technical assistance
800-949-4232 (voice & TTY)

www.adata.org

The **Job Accommodation Network (JAN)** is a free telephone consulting service funded by the U.S. Department of Labor. It provides information and advice to employers and people with disabilities on reasonable accommodation in the workplace.

Information on workplace accommodation
800-526-7234 (voice & TTY)

www.jan.wvu.edu

Project ACTION is funded by the U.S. Department of Transportation to provide ADA information and publications on making transportation accessible.

Information on accessible transportation
800-659-6428 (voice/relay)

<http://projectaction.easterseals.com>

VI. How to File Complaints

Title I

Complaints about violations of title I (employment) by units of State and local government or by private employers should be filed with the Equal Employment Opportunity Commission. Call 800-669-4000 (voice) or 800-669-6820 (TTY) to reach the field office in your area.

Titles II and III

Complaints about violations of title II by units of State and local government or violations of title III by public accommodations and commercial facilities should be filed with --

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYAV
Washington, D.C. 20530

If you wish your complaint to be considered for referral to the Department's ADA Mediation Program, please mark "Attention: Mediation" on the outside of the envelope.

The Attorney General has determined that publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice.